IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	
	)	Case No. 2:22-CV-203-JRG
vs.	)	
	)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.,	)	
MICRON SEMICONDUCTOR	)	**Filed Under Seal**
PRODUCTS INC., MICRON	)	
TECHNOLOGY TEXAS LLC,	)	
Defendants.	)	
	)	

DECLARATION OF THOMAS W. BARR, PH.D.

I, Thomas W. Barr, Ph.D. declare as follows:

1.   I am a scientist at Irell and Manella LLP, counsel for Netlist. I run Irell's in-house scientific analysis group, and as a part of my work, I frequently assemble and review production of technical material and source code. Beginning on July 25th, 2023, I started an inspection of the material Micron had designated as "CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY - SOURCE CODE" under the protective order in force in this case. This production came in three groups: **(1)** A subset of the files used by Micron's engineers to design their integrated circuits; **(2)** A selection of files used by Micron's engineers to design memory modules; and **(3)** A selection of engineering notes, engineering PowerPoints, and management PowerPoints.

2.   Group 1 was not presented in an organized format. I located a set of "layouts" and "schematics" in the set, but Micron's counsel would not tell me, nor was there any documentation showing, where the "RTL" was stored for the product. I used a custom tool to attempt to count the number of files in this set, but stopped the tool after it counted to over four million. I discovered scattered copies of RTL, but these copies were overlapping and incomplete. ███████████ ████████████████████████████ No one would maintain code in this fashion. ███████████

███ The effect of what Micron has done is to make it impossible to analyze the RTL code or to have any confidence that the RTL code that was provided is the actual authoritative code. Using the standard code repositories that are employed throughout the industry, providing Netlist with the intact tree of official RTL code would take a few minutes.

3.   Group 3 includes roughly 60 PDFs and PPT files. They are Microsoft Office documents used to discuss the product. These documents have ███████████████████████████████ ██ none define the design of the products or disclose the detailed circuit-level operation of the products. In some instances, screenshots of a schematic are included but shown at a low-resolution. I noted some examples:

4.   In my experience, these documents in Group 3 are not what an engineer would consider "source code" since none of it "defines" any product. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 1, 2023, in Culver City, CA, United States.

By: /s/ *Thomas W. Barr*
Thomas Barr